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HOUSE OF REPRESENTATIVES
STATE OF MICHIGAN

DUDLEY SPADE
STATE REPRESENTATIVE
MEMORANDUM

APPROPRIATIONS COMMITTEE
SUBCOMMITTEES
CHAIR, HUMAN SERVICES
VICE-CHAIR, NATURAL RESOURCES
SCHOOL AID AND EDUCATION
JOINT COMMITTEE ON
ADMINISTRATIVE RULES

To: Rep. Farrah and Colleagues on House Regulatory Reform Committee
From: Rep. Dudley Spade and Sen. John Gleason
Subject: Deaf Interpreter Legislation
Date: May 29, 2007

Dear Colleagues:

We wanted to briefly bring you up to date on the progress of the deaf interpreter legislation that this committee originally passed unanimously on February 12, 2007 as HB 4208(H-3) and which is here for your consideration again today.

Perhaps the most noticeable change, though not the most significant, is that subsequent to its passage, again unanimously, by the full House, the Senate divided and tie-barred HB 4208(H-3) into two parts HB 4208(S-3) and SB 25(S-4). The definitions and the section outlining the circumstance in which a qualified interpreter is required have remained in HB 4208. The penalty provisions and rulemaking authority, along with provisions governing various parts of the rulemaking process, were split out into SB 25. Most of the substantive changes to this legislation are found in SB 25. We have included a summary of those changes with this memo for your information.

We hope this information is helpful and stand ready to assist the committee. We also welcome any questions you may have.

Sincerely,

DUDLEY SPADE
State Representative
57th District

JOHN GLEASON
State Senator
27th District

Significant Changes to HB 4208 and SB 25 Since Reported from House

SB 25 (S-4)

1. Removes the criminal misdemeanor provision for violations committed by appointing authorities; SB 25 §8B(2);
2. Provides that only "willful" violations committed by appointing authorities are subject to the civil fine; SB 25 §8B(2);
3. Removes the exemption of the courts under the penalty provision; SB 25 §8B(2);
4. Narrows rulemaking authority, specifically, setting all fees in the act; SB 25, §§8A(1)(2);
5. Adds the Department of Education (DOE) as an advisor for rulemaking; SB 25 §8A(1);
6. Requires that the Rule Promulgating under this act be coordinated with the current rulemaking process underway by DOE regarding the Michigan Administrative Rules for Special Education (MARSE) as the Department is already working to improve the quality of its interpreters in the schools; SB 25 §8A(3);
7. Removes references to any specific non-governmental entities as advisors; SB 25 §8A(1);
8. Requires persons needing an interpreter to provide "reasonable notice;" SB 25 §4(1);
9. Grandfathers interpreters already possessing a state or national certification; SB 25 §8C & 8D;
10. Specifies that the effective date of this legislation shall be the effective date of the rules promulgated under this legislation; SB 25 §8B(4);

HB 4208 (S-3)

11. Removes specific reference to the Americans with Disabilities Act (ADA) and provides instead that in those circumstances when an interpreter is required as an accommodation under state or federal law, the interpreter must be a "qualified interpreter." This change is to address accommodation circumstances governed by the Michigan's Persons with Disabilities Civil Rights Act and require that a "qualified interpreter" is provided; HB4208 §3A.